

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

PENNYMAC LOAN SERVICES, LLC

PLAINTIFF

v.

CIVIL ACTION NO. 2:19-cv-193-KS-MTP

SITCOMM ARBITRATION ASSOCIATION, ET AL.

DEFENDANTS

ORDER AMENDING CASE MANAGEMENT ORDER

THIS MATTER is before the Court on Plaintiff's Motion for Discovery Conference [95]. On June 18, 2020, the Court entered a Case Management Order [57], which requires that before a party may serve a discovery motion, the parties must first participate in a telephonic conference with the Court to discuss the discovery issues. On November 18, 2020, Plaintiff filed the instant Motion [95] requesting such a conference to discuss Defendants' alleged failure to satisfy their discovery and disclosure responsibilities. Specially, Plaintiff asserts that Defendants Mark Moffett, Ronnie Kahapea, Mark Johnson, and Kirk Gibbs have failed to produce initial disclosures and Defendants Sandra Goulette, Mark Johnson, Mark Moffett, Kirk Gibbs, and Ronnie Kahapea have failed to response to Plaintiff's written discovery requests.

Considering that these Defendants are proceeding *pro se* and reside in many different states (and time zones) and considering the communication difficulties previously experienced by the Court and the parties, the Court finds that the Case Management Order [57] should be amended to remove the telephonic discovery conference requirement. The Court will not require the parties to have a discovery conference *with the Court* concerning discovery disputes prior to the filing of a discovery motion.

Thus, Plaintiff may file its motion to compel concerning Defendants' alleged failure to satisfy their discovery and disclosure responsibilities. The Defendants should note that if

Plaintiff's motion to compel is granted, the Court may order Defendants to pay Plaintiff's reasonable expenses incurred in making the motion, including attorney's fees, if the failure to respond is without substantial justification and it is not otherwise unjust. *See* Fed. R. Civ. P. 37.

IT IS, THEREFORE, ORDERED that:

1. Plaintiff's Motion for Discovery Conference [95] is DENIED.
2. The Case Management Order [57] is amended as set forth herein.

SO ORDERED this the 20th day of November, 2020.

s/Michael T. Parker
UNITED STATES MAGISTRATE JUDGE